

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MATTHEW H. BECKETT,

Plaintiff,

v.

SCALIA, *et al.*,

Defendants.

Case No. 1:20-cv-01468-BAK (HBK) (PC)

ORDER GRANTING PLAINTIFF'S
SECOND MOTION FOR EXTENSION OF
TIME TO FILE SECOND AMENDED
COMPLAINT AND REQUEST FOR COPY
OF FIRST AMENDED COMPLAINT

(Doc. No. 21)

THIRTY (30) DAY DEADLINE

Pending before the Court is Plaintiff's second motion for an extension of time to file a second amended complaint.¹ (Doc. No. 21). Plaintiff advises that when he was transferred from California State Prison–Sacramento to Atascadero State Hospital, staff misplaced or withheld his legal files and other property. (*Id.*). Plaintiff states he has “written the Warden J*eff Lynch and filed a grievance by way of U.S. Mail 07-25-22.” (*Id.*) Additionally, Plaintiff requests a certified copy of his first amended complaint so that he can address all the issues identified in the second screening order. (*Id.*; Doc. No. 17). The Court finds that Plaintiff has shown good cause for the requested extension of time.

¹ Plaintiff captioned his motion as seeking an extension of time to file a “FAC,” or first amended complaint. This appears to be a scrivener's error.

Accordingly, it is ORDERED:

1. Plaintiff's motion for a copy of his first amended complaint and thirty-day extension of time to file a second amended complaint (Doc. No. 21) is GRANTED;
2. Within thirty (30) days from the date of service of this Order, Plaintiff shall file a second amended complaint; and
3. If Plaintiff fails to file a second amended complaint, the Court will recommend the action be dismissed, with prejudice, for failure to obey a court order and failure to state a claim.
4. The Clerk of Court is directed to attach a courtesy copy of Plaintiff's first amended complaint (Doc. No. 11), the second screening order (Doc. No. 17), and a civil rights complaint form.

Dated: August 18, 2022


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE